

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 41ST JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CLAY, JACKSON, AND LESLIE COUNTIES**

Upon recommendation of the Judges of the 41st Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 41st Judicial Circuit, Family Court Division, Clay, Jackson, and Leslie counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 4<sup>th</sup> day of April 2012.

  
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CHIEF JUSTICE JOHN D. MINTON, JR.

**FAMILY COURT RULES FOR 41<sup>ST</sup> JUDICIAL CIRCUIT**  
**CLAY, JACKSON AND LESLIE COUNTIES**

**RULE 1. INTRODUCTION**

**1.01 Introduction**

- A. These are the Rules of Practice of the Family Court for the 41<sup>st</sup> Judicial Circuit and shall be cited as “FCR” for Family Court Rules. These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Civil Procedure, the Kentucky Rules of Criminal Procedure and the Rules of the Clay, Jackson and Leslie Circuit Courts, for all Family Court matters.
  
- B. Effective date of these is 30 days after approval by the Kentucky Supreme Court.

**1.02 Mission Statement**

- A. The mission of Family Court in the 41<sup>st</sup> Judicial Circuit, consisting of Clay, Jackson and Leslie Counties, is to offer families and children the best possible resolutions to the legal problems they encounter as quickly, efficiently and thoroughly as humanly possible.

**1.03 Jurisdiction**

- A. The jurisdiction of the Family Court shall include cases involving:
  - 1. Domestic or family issue or dissolution of marriage;
  - 2. Child custody;
  - 3. Visitation;
  - 4. Support, maintenance and property distribution;
  - 5. Adoption and termination of parental rights;
  - 6. Domestic violence, including emergency protective orders;
  - 7. Status offenses, beyond control children and runaways;
  - 8. Paternity;
  - 9. Dependency, neglect or abuse.

**RULE 2. COURT SCHEDULING/MOTION HOUR/PROCEDURES**

**2.01** The following is a hearing schedule for cases before the Family Court:

**MONDAYS**

**LESLIE COUNTY**  
**9:00AM Domestic Violence, Divorce**  
**11:00AM Juvenile**

**TUESDAYS**                      **JACKSON COUNTY**  
**9:00AM Domestic Violence, Divorce**  
**11:00AM Juvenile**

**WEDNESDAYS**                      **CLAY COUNTY**  
**9:00AM Domestic Violence, Divorce**

**THURSDAYS**                      **CLAY COUNTY**  
**9:00AM Juvenile**

**FRIDAYS**                              **CLAY, JACKSON, LESLIE COUNTIES**  
**Special Hearings (By Assignment Order)**

**\*\*\* Note:**    **Motions and hearings scheduled shall be heard that day, except any motion or hearing expected to require a hearing of two (2) hours or more will be assigned for hearing at a specific time by the Court.**

## **2.02 Consolidation of Related Actions**

Pursuant to CR 42.01, when two or more different actions are pending involving the same parties and common questions of law or fact those cases may be consolidated. Common issues may be heard in both cases simultaneously, but the files shall be maintained separately.

## **RULE 3. ADOPTIONS / TERMINATION OF PARENTAL RIGHTS CASES**

There are no local rules relating to Adoptions or Terminations of Parental Rights. Refer to FCRPP 32 – 36 for uniform statewide rules.

## **RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY**

### **4.01. Twenty-Four Hour Accessibility and Joint Jurisdiction Domestic Violence Protocol.**

The Twenty-Four Hour Accessibility and Joint Jurisdiction Domestic Violence Protocol for the 41<sup>st</sup> Circuit and District, consisting of Clay, Jackson and Leslie Counties, is attached in Appendix A, and is incorporated by reference as if fully set out herein.

## **RULE 5. PATERNITY**

There are no local rules relating to Paternity. Refer to FCRPP 14 & 15 for uniform statewide rules.

**RULE 6. DEPENDENCY, NEGLECT AND ABUSE CASES**

- A. All Dependency, Neglect and Abuse cases in Family Court shall be filed no less than 72 hours, exclusive of weekends and holidays, from the issuance of an emergency custody order and before the temporary removal hearing with service on all parties and social workers (where applicable).
- B. A temporary removal hearing will be scheduled no more than 10 days after the filing of a petition for dependency neglect and abuse when no emergency custody order has been issued.

**RULE 7. DOMESTIC RELATIONS PRACTICE**

There are no local rules relating to Domestic Relations Practice. Refer to FCRPP 2 through 9 for uniform statewide rules.

**RULE 8. STATUS OFFENSES**

There are no local rules relating to Status Offenses. Refer to FCRPP 37 through 44 for uniform statewide rules.

**RULE 9. MISCELLANEOUS**

**Applicability of Rules of Civil and Criminal Procedure**

These Rules are subject to the Kentucky Kentucky Family Court Rules of Procedure and Practice, and the Kentucky Rules of Civil and Criminal Procedure and applicable statutes.

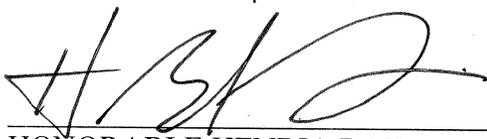
This 28<sup>th</sup> day of March, 2012.

  
\_\_\_\_\_  
HONORABLE GENE CLARK  
Judge, 41<sup>st</sup> Circuit  
Family Court Division

  
\_\_\_\_\_  
HONORABLE OSCAR GAYLE HOUSE  
Judge, 41<sup>st</sup> Circuit



HONORABLE RENEE MUNCY  
Judge, 41<sup>st</sup> District  
Division 1



HONORABLE HENRIA BAILEY-LEWIS  
Judge, 41<sup>st</sup> District  
Division 2

## APPENDIX A

### **TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 41st JUDICIAL CIRCUIT AND DISTRICT CLAY, JACKSON AND LESLIE COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

#### **I. Uniform Protocol for Processing Cases**

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

[Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.]

## II. Twenty-four Hour Accessibility

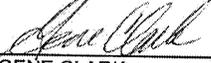
- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:  
Circuit Clerk's Office  
Police Dispatch (911)
- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:  
Police Dispatch (911)
- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:  
Family Court  
District Court  
Circuit Court
- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:  
Family Court, District Court, Circuit Court
- E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.
- F. The schedule for domestic violence hearings is as follows:  
Clay- Wednesdays 9:00am; Jackson-Tuesday 9:00am;  
Leslie- Mondays 9:00am

## III. Contempt Proceedings

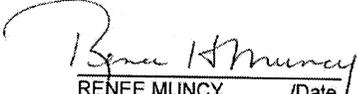
- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate contempt proceedings should contact:  
Circuit Clerk's Office
- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

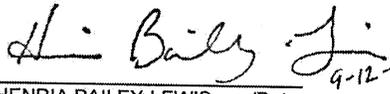
All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district:

 9/13/11  
\_\_\_\_\_  
GENE CLARK /Date  
CIRCUIT JUDGE  
FAMILY COURT DIVISION

 9/12/11  
\_\_\_\_\_  
OSCAR GAYLE HOUSE /Date  
CIRCUIT JUDGE

 9-12-11  
\_\_\_\_\_  
RENEE MUNCY /Date  
DISTRICT JUDGE  
DIVISION 1

 9-12-11  
\_\_\_\_\_  
HENRIA BAILEY-LEWIS /Date  
DISTRICT JUDGE  
DIVISION 2